

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

UNITED STATES OF AMERICA

vs.

NO: 06 CR 00088 JMM

RODNEY M. CRISWELL

ORDER

The defendant, through counsel, has sought release from a previously entered detention order so that he may pursue rehabilitation for his drug usage (DE# 41). This jurist has received correspondence from Sober Living, Inc. (which will be filed with this Order) reciting Mr. Criswell's eligibility for their services.

Parenthetically, it is unclear whether the defendant is a drug addict and thus in need of rehabilitation. The proof at the detention hearing held March 22, 2006 demonstrated that the defendant had tested positive only twice for cocaine and marijuana, respectively, while on parole for several years, and usually tested negative. He was in possession of cocaine or crack, however, a number of times. Drug users often become drug addicts, but never does the process work in reverse.<sup>1</sup>

Nonetheless, this jurist suspects that this motion has been generated by a desire on the defendant's part for a more humane venue, rather than some epiphany that has given him the

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<sup>1</sup> The defendant told his parole officer, in an interview on December 11, 2003, that he "had had a drug problem, but no more."

desire to disassociate himself from drugs and the drug business.<sup>2</sup>

Finally, it must be said that Mr. Criswell, both by history and behavior, presents a clear example of the type of defendant that Congress had in mind when it created and imposed the presumption of detention in certain categories of cases. 18 U.S.C. §3142(f). Further, he has not rebutted the presumption, and a failure to do so can itself justify detention. *United States v. Pierce*, 107 F. Supp. 2d 126, 133 (D. Mass. 2000). See also *United States v. Quartermaine*, 913 F.2d 910 (11<sup>th</sup> Cir. 1990).

IT IS SO ORDERED this 16<sup>th</sup> day of August, 2006.

/s/ John F. Forster, Jr.  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> The defendant is not above creative prose when it serves his purposes. For example, on January 11, 2003 when the defendant was found by police officers (during a traffic stop) to be in possession of approximately \$19,000.00 in one hundred dollar bills, he related to an officer that he had won the money at a casino in San Antonio. There is no casino gambling in Texas.



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August 7, 2006

US Magistrate Judge John F. Forster, Jr.  
Federal Court House  
600 W. Capitol Avenue  
Little Rock, AR 72201

Your Honor:

This letter is to request the release of Mr. Rodney Crisswell, who is being held in the Faulkner County Jail, to Sober Living, Inc. I have been consulting with Mr. Crisswell at the jail about rehabilitation and recovery. Mr. Crisswell's attorney, Mr. Blake Hendrix, is in agreement that Mr. Crisswell would benefit from living in a structured and monitored environment. Sober Living has a ten-year history of working with the Federal Courts.

We would greatly appreciate a response to this request. Should you require any further information, please do not hesitate to contact me at (501) 952-5551 or (501) 562-0507.

Respectfully,

A handwritten signature in cursive script that reads "Muskie Harris".

Muskie Harris, Director  
Community Relations

cc: Blake Hendrix, Attorney